



Kerry M. Mustico  
5225 Wisconsin Avenue NW | Suite 503  
Washington, DC 20015  
T: (202) 480-2174 | F: (866) 766-1678  
[kerry@oandzlaw.com](mailto:kerry@oandzlaw.com) | [www.oandzlaw.com](http://www.oandzlaw.com)

February 1, 2018

**Via ECF**

Hon. Denise L. Cote  
United States District Court  
Southern District of New York  
United States Courthouse  
New York, NY 10007

**Re: *Pearson Educ., Inc., et al. v. Doe 1 d/b/a atmi7654, et al.*, SDNY Case No. 18-cv-402**

Dear Judge Cote:

We represent Plaintiffs Elsevier, Inc., McGraw-Hill Global Education Holdings, LLC, Pearson Education, Inc., and Cengage Learning, Inc. (“Plaintiffs”) in the above-referenced action. We write to request a 14-day adjournment of the Order to Show Cause hearing and corresponding extension of the Temporary Restraining Order issued on January 17, 2018 (ECF No. 3) (the “Order”). Specifically, Plaintiffs seek to extend the dates set out in the Court’s Order, such that: (1) Defendants’ answering papers are due on February 9, 2018; (2) Plaintiffs’ reply papers, if any, are due on February 14, 2018; (3) the Order to Show Cause hearing will be held on or near February 16, 2018; and (4) the TRO will remain in effect up to and including the date on which the Order to Show Cause hearing is rescheduled or unless the Court rules otherwise.

By way of brief background, Plaintiffs are a group of educational publishers. Plaintiffs bring this action against a group of Doe Defendants whom Plaintiffs allege are distributing counterfeit textbooks, in violation of Plaintiffs’ copyright and trademark rights, including through the use of various online storefronts on Amazon.com. Plaintiffs initiated this action on January 17, 2018 and simultaneously filed an application for an Order to Show Cause. The Order provides that Defendants’ answering papers are due on January 26, 2018, Plaintiffs’ reply, if any, is due on January 30, 2018, and the preliminary injunction hearing will be held on February 2, 2018.

Hon. Denise L. Cote

February 1, 2018

Page 2

Counsel for Doe 13 has consented to the requested extension and adjournment. Plaintiffs have been in contact, to varying degrees, with several of the other Doe Defendants. Counsel for Doe 6 previously indicated that Doe 6 was amenable to the relief requested herein. In addition, based on our communications with counsel for Doe 3, Doe 8, and Doe 10, Plaintiffs believe such Defendants would be amenable to adjourning the Order to Show Cause hearing. Plaintiffs have received communications from several other Doe Defendants regarding potential resolutions of Plaintiffs' claims, however, Plaintiffs have not heard from any Defendants, other than Does 3, 6, 8, 10, and 13 regarding the Order to Show Cause hearing.

No previous requests or adjournments have been made in this matter. Plaintiffs seek the extension to allow Defendants sufficient time to respond and be heard on the preliminary injunction if they so wish, and to allow the parties to try to reach agreement on a proposed preliminary injunction. Thus, there is good cause to adjourn the hearing and extend the dates in the Order as requested.

Notwithstanding the request for the extension and adjournment herein, Plaintiffs' counsel is available and will appear at the previously scheduled time tomorrow to provide the Court with an update on the status of this matter.

Thank you for the Court's time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, reading "Kerry M. Mustice". The signature is written in a cursive, flowing style.